

SCOTTSDALE

CITY COUNCIL MEETING

AGENDA



COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Kevin J. Osterman

Tuesday, February 21, 2006

4:00 P.M.

CITY COUNCIL SPECIAL MEETING

MARKED AGENDA

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **4:00 P.M.**

Roll Call – **COUNCILMAN LITTLEFIELD ABSENT**

1. Brief update on judicial reappointment process involving City Judge Monte Morgan. Contact: Teri Traaen, Human Resources General Manager, 480-312-2615, ttraaen@scottsdaleaz.gov
2. MOTION TO RECESS INTO EXECUTIVE SESSION TO:
 - A. Discuss or consider employment, assignment, reappointment and salary of City Judge Monte Morgan, including but not limited to a personal interview of Judge Morgan, regarding his application for reappointment. A.R.S. 38-431.03 (A)(1). Contact: Teri Traaen, Human Resources General Manager, 480-312-2615, ttraaen@scottsdaleaz.gov.

Adjourn to Executive Session – **4:01 P.M.**

5:00 P.M.

CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:18 P.M.**

Roll Call - **ALL PRESENT**

Pledge of Allegiance – **COUNCILMAN ECTON**

Invocation – **PASTOR JOHN MCGOVERN, TRINITY ALIVE ASSEMBLY OF GOD CHURCH**

Presentations/Information Updates

Public Comment – HENRY BECKER QUESTIONED COUNCIL CANDIDATE’S KEY ISSUES OF TRANSPORTATION AND SAFETY AS WELL AS MOTIVES.

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening’s meeting. Please check the box that refers to “public comment.” This “Public Comment” time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Minutes – OK

SPECIAL MEETINGS

Tuesday, January 24, 2006

REGULAR MEETINGS

Tuesday, January 24, 2006

WORK STUDY SESSIONS

EXECUTIVE SESSIONS

MOTION TO WAIVE ATTORNEY/CLIENT PRIVILEGE AS TO THE ANDREW MCGUIRE’S LETTER ONLY AND INCLUDING IT INTO PUBLIC RECORD ATTACHED TO THE JANUARY 24, 2006 REGULAR MEETING MINUTES – OK – 7/0.

MOTION TO APPROVE MINUTES OF JANUARY 24, 2006 SPECIAL MEETING AND JANUARY 24, 2006 REGULAR MEETING AS AMENDED – OK – 7/0.

CONSENT AGENDA ITEMS 1 - 15

How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Comment Card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor’s discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. **Agent Change for Rubio’s Fresh Mexican Grill (Restaurant) Liquor License – OK – C**
Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for an Agent Change for an existing series 12 (restaurant) liquor license.
Location: 32415 N. Scottsdale Road, #B
Reference: 65-LL-2001#2
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
2. **Agent Change for the Arizona Culinary Institute (Restaurant) Liquor License – OK – C**
Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for an Agent Change of an existing series 12 (restaurant) liquor license.
Location: 10585 N. 114th Street, #401
Reference: 13-LL-2002#2
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, February 21, 2006
Page 3 of 7

3. **Beau-Bay Caribbean Smokehouse & Bakery (Restaurant) Liquor License – OK – C**
Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location.
Location: 7366 E. Shea Boulevard, Unit 112
Reference: 58-LL-2005
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
4. **R & J Kwik Mart (Beer and Wine Store) Liquor License – OK – C**
Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer & wine store) liquor license for an existing location that has changed ownership.
Location: 8001 E. Roosevelt Street
Reference: 3-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
5. **Rubio's Fresh Mexican Grill (Restaurant) Liquor License – OK – C**
Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for an Agent Change for an existing series 12 (restaurant) liquor license.
Location: 15704 N. Pima Road, #C-89
Reference: 5-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
6. **Shoeman Tract Abandonment – OK – C**
Requests:
 1. Consider the abandonment of existing roadway easements located between Brown Avenue and Buckboard Trail, and between Shoeman Lane and Camelback Road.
 2. Adopt Resolution No. 6843 vacating and abandoning a public right-of-way.**Location:** 7243 E. Camelback Road
Reference: 21-AB-2005
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, February 21, 2006
Page 4 of 7

7. Whisper Rock Amended Stipulations and Development Standards – OK – C

Requests:

1. Amend the stipulations, amended development standards and the existing development agreement to Case 29-ZN-2000#2 on a 28 +/- acre parcel located at 32800 N. Hayden Road with Single Family Residential District, Environmentally Sensitive Lands, Planned Community District (R1-43 ESL PCD, R1-130 ESL PCD) and Resort/Townhouse Residential, Environmentally Sensitive Lands, Planned Community District (R-4R ESL PCD) zoning.
2. Adopt Ordinance No. 3645 affirming the above amended stipulations and development standards.
3. Adopt Resolution No. 6797 authorizing the Mayor to execute Development Agreement No. 2005-188-COS-A2.

Location: 32800 N. Hayden Road

Reference: 29-ZN-2000#3

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

8. Main Street Place (LVA) Rezoning – MOTION TO CONTINUE TO MARCH 7, 2006 – OK – 7/0

Requests:

1. Rezone from Commercial Office District, Downtown Overlay (C-O DO) and Service Residential District, Downtown Overlay (S-R DO) to Downtown/Office Residential Type 2, Downtown Overlay (D/OR-2 DO) on a 18,316 +/- square foot parcel located at 7502 E. Main Street.
2. Adopt Ordinance No. 3665 affirming the rezoning.

Location: 7502 E. Main Street

Reference: 18-ZN-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

9. Contract Modification with Atypical Transportation to Include Operation of a Neighborhood Circulator Route in Southern Scottsdale – OK – C

Request: Adopt Resolution No. 6842 authorizing Contract Modification No. 04RP017-B with Atypical Transportation to include the operation of the budgeted neighborhood circulator route. Operations for the remainder of fiscal year 2005/06 will cost approximately \$200,000.

Related Policies, References:

- Contract Modification No. 04RP017-B
- RFP #04RP017
- City Procurement Code.

Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, February 21, 2006
Page 5 of 7

10. **Lease Agreement for Property in the Harquahala Valley Deeded to the City by the Irrigation Water Distribution System (IWDS) Users – OK – C**
Request: Adopt Resolution No. 6831 authorizing Lease Agreement No. 2006-012-COS with Odom Farms Partnership, an Arizona general partnership. This lease allows the property in the Harquahala Valley that is owned by the City on behalf of the IWDS users to be used for agricultural purposes.
Related Policies, References:
 - Section 2-221(b)(5) of the Scottsdale Revised Code allows the sale of City real property interests, including leases, directly to persons having an interest in the same real property and in adjoining real property.
 - Third Amended IWDS Agreement No. 960047A, approved by the City Council on May 13, 2002, which, among other items, required the transfer of the Harquahala Valley property to the City.**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; David Mansfield, Water Resources General Manager, 480-312-5681, dmansfield@scottsdaleaz.gov
11. **Engineering Services Contract for the Design of Zone 14/16 Water Improvements – OK – C**
Request: Authorize Engineering Services Contract No. 2006-009-COS with HDR Engineering, Inc., in the amount of \$1,644,337 for the design of Zone 14/16 Water Improvements.
Related Policies, References: Council approved the Integrated Water Master Plan on October 15, 2001.
Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov
12. **Design Phase Services Contract for the CAP Water Treatment Plant Expansion – OK – C**
Request: Authorize Construction Manager at Risk (CM@Risk) Design Phase Services Contract No. 2006-014-COS with Archer Western Contractors, in the amount of \$781,005 for the Central Arizona Project Water Treatment Plant Expansion.
Related Policies, References:
 - Council approved Engineering Services Contract No. 2005-111-COS with Malcolm-Pirnie, Inc. for design of the CAP Water Treatment Plant expansion on June 28, 2005.
 - Council approved the Water Resources Master Plan on October 15, 2001.**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov
13. **Design Phase Services Contract for the McKellips Service Center Campus Public Safety and Maintenance Facilities, and Related Off-Campus Improvements – OK – C**
Request: Authorize Construction Manager at Risk (CM@Risk) Design Phase Services Contract No. 2006-003-COS with Sundt Construction, Inc., in the amount of \$150,000 for pre-construction services for Police Operational Support and District One facilities, and Fleet and Community Services Maintenance facilities at the McKellips Service Center; and for renovations for Police Communications at the District Two facility.

CONSENT AGENDA

Tuesday, February 21, 2006

Page 6 of 7

Item 13

Related Policies, References:

- Council authorized Architectural Services Contract No. 2000-197-COS on May 14, 2001 for a Police Department master planning and site evaluation study.
- Council approved the Municipal Use Master Site Plan for a combined use campus at the McKellips Service Center site on April 5, 2004.
- The Development Review Board approved the site plan and elevations for the proposed Police Department facilities on May 6, 2004.
- Council authorized Architectural Services Contract No. 2005-029-COS with Durrant, and Architectural Services Contract No. 2005-030-COS with Larson Associates, Architects for the design of the McKellips Service Center Campus Facilities on March 22, 2005.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

14. **Construction Services Contract for Phase 1 Construction of Pima Road. Loop 101 Freeway to Thompson Peak Parkway – OK – C**

Requests:

1. Authorize CM@Risk Contract No. 2005-199-COS with Achen-Gardner Engineering, LLC for construction services at a Guaranteed Maximum Price (GMP) of \$10,040,914 for the first phase of construction of Pima Road from the Loop 101 Freeway to Thompson Peak Parkway.
2. Authorize initiation of acquisition procedures for approximately 2.1 acres of property for roadway and drainage easement purposes from the Arizona State Land Department for this project.
3. Authorize payment to Arizona Public Services (APS) in an approximate amount of \$50,000 for the provision of streetlights and relocation of a 69 kV pole.

Related Policies, References:

- Council awarded Engineering Services Contract No. 2003-114-COS to Entellus, Inc. for design of improvements to Pima Road from the Pima Freeway to Thompson Peak Parkway on June 16, 2003.
- Streets Master Plan adopted by Council in October 2003.
- Council awarded a construction contract to Desierto Verde, Inc. for salvaging, storing and planting native plant vegetation on September 6, 2005.
- Council awarded a Construction Manager at Risk (CM@Risk) Pre-Construction Services Contract (2005-167-COS) to Achen-Gardner Engineering, LLC on November 15, 2005.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

15. **Appoint Election Boards for the March 14, 2006 General Election and May 16, 2006 Runoff/Special Election – OK – C**

Request: Adopt Resolution No. 6845 authorizing the appointment of the Election Boards for the March 14, 2006 General Election and May 16, 2006 Runoff/Special Election.

Related Policies, References:

Arizona Revised Statutes (ARS) 9-825 requires the governing body to appoint election board members from the qualified electors of the municipality.

Staff Contact(s): Carolyn Jagger, City Clerk, 480-312-2411, cjagger@scottsdaleaz.gov

Consent Agenda

Tuesday, February 21, 2006
Page 7 of 7

City Manager's Report – NONE

Mayor and Council Items 16 - 17

16. Legislative Update – BRIDGET SCHWARTZ-MANOCK PROVIDED UPDATES

Update: Provide update to the City Council and receive possible direction regarding current and pending State legislative issues and policies.

Related Policies: Pursuant to the 2006 State Legislative Agenda adopted by the City Council on December 13, 2005

Staff Contact(s): Bridget Schwartz-Manock, Intergovernmental Relations Director, bschwartzmanock@scottsdaleaz.gov, 480-312-2423; Neal Shearer, Assistant City Manager, nshearer@scottsdaleaz.gov, 480-312-2604

17. 2006 Federal Legislative Program – MOTION DIRECTING STAFF TO PURSUE AND INDICATE SUPPORT FOR THE FEDERAL LEGISLATIVE PROGRAM, WITH THE EXCEPTION OF TELECOMMUNICATIONS REFORM – OK – 7/0

MOTION TO ACCEPT TELECOMMUNICATIONS REFORM PORTION OF THE 2006 FEDERAL LEGISLATIVE PROGRAM – OK – 6/1 (JL)

Request: Consider the approval of the City of Scottsdale 2006 Federal Legislative Program.

Staff Contact(s): Bridget Schwartz-Manock, Government Relations Director, 480-312-2423, bschwartzmanock@scottsdaleaz.gov

Public Comment - NONE

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

Adjournment – 6:13 P.M.